

and records of the association. There are limited exceptions for:

- Personnel records (but not including salaries, wages, bonuses, etc.)
- A person's medical and financial records
- Contracts still being negotiated
- Written advice of legal counsel
- Minutes of closed meetings.

Associations can charge a reasonable fee to make the documents available and to copy them.

THE CCOC

The CCOC is an agency of the Montgomery County Government and it is governed by Chapter 10B of the County Code. There are 15 Commissioners, 8 of whom must be residents of common ownership communities, and 7 of whom must be professionals who work for the communities (managers, attorneys, realtors, etc.) The Office of Consumer Protection provides staff to the CCOC.



The CCOC has the legal authority to decide certain disputes between associations and their members and to enforce its decisions in court. The CCOC is an advocate for our communities and offers education and advice on association management and member rights.

For more information, please visit our website .



This brochure is not intended to be legal advice. For advice on specific issues or questions, please consult an attorney.

Montgomery County Government
COMMISSION ON COMMON OWNERSHIP COMMUNITIES
100 Maryland Avenue, Room 330
Rockville, Maryland 20850

What You Should Know About Your Condominium, Cooperative, or Homeowner Association



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WHAT IS A COMMON OWNERSHIP COMMUNITY?

It is an association of owners of apartments, townhouses, or detached houses. The association is owned by all the members and governed by a set of rules which all members must obey. The association is a democracy operated by its members in much the same way as our national and local governments are.



The main documents of a **condominium** and of a **homeowner association** are the Declaration of Covenants, the Bylaws, and the rules and regulations. These documents can be legally enforced both by associations and by their members.

Cooperatives are governed by their corporate charters, Bylaws, and Lease Agreements. These documents can also be enforced by either the association or by the members.

Maryland law also regulates the associations. Condominiums fall under the Maryland Condominium Act (Title 11 of the Real Property Article of the Maryland Code). HOAs are under the Maryland Home Owners Association Act (Title 11B of the Real Property Article). Cooperatives are governed by the Maryland Housing Cooperative Corporation Act (Title 5-6B of the Corporations & Associations Article.) All these associations also must comply with selected parts of the Maryland Corporations & Associations Article.



All these laws can be found online or by visiting any Montgomery County Public Library.

YOUR GOVERNING DOCUMENTS CAN ANSWER MANY IMPORTANT QUESTIONS, such as:

- *How is the board elected and who can serve on it?*
- *Do board members get paid?*
- *How often does the board meet and what notice must it give of its meetings?*
- *How are the annual and special assessments set, and by whom?*
- *How are assessments collected?*
- *What rights do members have to call special meetings to vote on changing the rules or governing documents?*
- *What control does the association have over changes to the houses or units?*
- *What are the rules on noise, parking, smoking and pets?*
- *How are rules enforced? Is there a right of appeal?*
- *And much more!*



OPEN MEETINGS

Almost all condominium and HOA board meetings must be open to all members and the board should give advance notice of its meetings. There are exceptions for meetings:

- to discuss personnel or legal matters,
- to consult with attorneys,
- to protect personal privacy in matters not related to association business,
- to discuss possible criminal misconduct,
- and to discuss contracts still being negotiated.

Community operations should be open and transparent to all community members.

- All members have the right to speak at the open meetings on any topic on the agenda. The board can set reasonable limits on this right.
- The board must keep accurate minutes of its meetings, which the members can inspect once they are approved.
- There must be at least one meeting a year which all members can attend and during which any member can raise any issue concerning the business of the association. This is usually done together with the association's annual elections.
- The governing documents may also give the members the right to petition for special meetings to discuss and vote upon important issues, including changes to the governing documents themselves.

Members have an obligation to vote, to pay their assessments, to participate in the governance of their community, and to obey its covenants, bylaws and rules.

OPEN RECORDS

Condominiums must file their Declarations and Bylaws in the Land Records of the County Circuit Court, where they can be inspected by any member of the public. HOAs must also file their Declarations in the Land Records, and must file their Bylaws and rules in the HOA Depository (located in the Civil Files Room of the Circuit Court) where they can be inspected by any member of the public. A cooperative's charter is filed with the Maryland Corporate Charter Office and can be inspected there.



Maryland law says that members of an association have the right to see and to copy the books